

1 DAVID D. FISCHER, SBN 224900
2 LAW OFFICES OF DAVID D. FISCHER, APC
3 5701 Lonetree Blvd Ste 312
Rocklin, CA 95765
Telephone: (916) 447-8600
Facsimile: (916) 930-6482
E-mail: david.fischer@fischerlawoffice.com

5 Attorney for Defendant
6 FRANK GOWANS

7
8 IN THE UNITED STATES DISTRICT COURT
9 EASTERN DISTRICT OF CALIFORNIA

10 UNITED STATES OF AMERICA,

11 Plaintiff,

12 v.

13 FRANK GOWANS, JR.,

14 Defendant.

15 CASE NO. 2:21-CR-00035 JAM

16 STIPULATION REGARDING EXCLUDABLE
TIME PERIODS UNDER SPEEDY TRIAL ACT;
FINDINGS AND ORDER

17 DATE: April 5, 2022
TIME: 9:30 a.m.
COURT: Hon. John A. Mendez

18 This case is set for a status conference on March 1, 2022. By this stipulation, the parties request a
continuance of the status conference to April 5, 2022, and to exclude time under Local Code T4, for the
reasons set forth below.

19 **STIPULATION**

20 Plaintiff United States of America, by and through its counsel of record, and defendant, by and
21 through defendant's counsel of record, hereby stipulate as follows:

- 22 1. By previous order, this matter was set for status on March 1, 2022.
- 23 2. By this stipulation, defendants now move to continue the status conference until April 5,
24 2022, at 9:30 a.m., and to exclude time between March 1, 2022, and April 5, 2022, under Local Code
T4.
- 25 3. The parties agree and stipulate, and request that the Court find the following:
26 a) The defense needs more time to address the defendant's medical issues.
27 b) The government has provided discovery associated with this case to date.

1 c) Counsel for defendant needs additional time to address the defendant's medical
2 conditions, review the discovery in this case, to conduct independent factual investigation, to
3 research trial and sentencing issues, to consult with their clients, and to otherwise prepare for
4 trial.

5 d) Counsel for the defendant has also been preparing for trial in other cases in this
6 district and in state court. A continuance is needed for continuity of counsel.

7 e) Counsel for the defendant believes that failure to grant the above-requested
8 continuance would deny him the reasonable time necessary for effective preparation, taking into
9 account the exercise of due diligence.

10 f) The government does not object to the continuance.

11 g) Based on the above-stated findings, the ends of justice served by continuing the
12 case as requested outweigh the interest of the public and the defendant in a trial within the
13 original date prescribed by the Speedy Trial Act.

14 h) For the purpose of computing time under the Speedy Trial Act, 18 U.S.C. § 3161,
15 et seq., within which trial must commence, the time period of March 1, 2022 to April 5, 2022,
16 inclusive, is deemed excludable pursuant to 18 U.S.C. § 3161(h)(7)(A), B(iv) [Local Code T4]
17 because it results from a continuance granted by the Court at defendant's request on the basis of
18 the Court's finding that the ends of justice served by taking such action outweigh the best interest
19 of the public and the defendant in a speedy trial.

20 4. Nothing in this stipulation and order shall preclude a finding that other provisions of the
21 Speedy Trial Act dictate that additional time periods are excludable from the period within which a trial
22 must commence.

23 //

24 //

25 //

26 //

27 //

1 IT IS SO STIPULATED.
2
3
4

Dated: February 25, 2022

PHILLIP A. TALBERT
Acting United States Attorney

5 /s/ JASON HITT
6 JASON HITT
7 Assistant United States Attorney
8
9

10 Dated: February 25, 2022

11 /s/ David D. Fischer
12 David D. Fischer
13 Counsel for Defendant
14 FRANK GOWANS, JR.
15
16

FINDINGS AND ORDER

17 IT IS SO FOUND AND ORDERED this 25th day of February, 2022.

18
19 /s/ John A. Mendez
20 THE HONORABLE JOHN A. MENDEZ
21 UNITED STATES DISTRICT COURT JUDGE
22
23
24
25
26
27
28